

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

VECENTIE SONTIAGO MORALES, JR.,)	
)	
Petitioner,)	
)	
vs.)	Case Number CIV-06-1334-C
)	
JUSTIN JONES, Director, et al.,)	
)	
Respondents.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner filed the present action pursuant to 28 U.S.C. § 2254, challenging the refusal of Defendants to award him earned credits. Consistent with the provisions of 28 U.S.C. § 636, this matter was referred to Magistrate Judge Bana Roberts. Judge Roberts determined that Petitioner's claim was properly considered as brought pursuant to 28 U.S.C. § 2241, as it challenges the execution of his sentence. Judge Roberts issued a Report and Recommendation ("R&R") wherein she recommended Petitioner's case be dismissed without prejudice as Petitioner had failed to exhaust the available state court remedies. Petitioner has filed a Response to the R&R. In that Response, Petitioner requests the Court dismiss his case so that he may return to state court and pursue his request there.

Upon review of the R&R and Petitioner's Response thereto, the Court finds the thorough and well-reasoned R&R should be and hereby is ADOPTED in full. This matter is DISMISSED without prejudice. A judgment shall enter accordingly.

IT IS SO ORDERED this 21st day of May, 2007.



ROBIN J. CAUTHRON
United States District Judge